



## **Body Worn Video Policy**

### **Introduction**

- 1.1 This document sets out Ashfield District Councils (ADC) Policy Guidelines for the use of Body worn CCTV cameras by Community Protection Officers (CPO's) and outline the associated benefits to CPO's and the general public.
- 1.2 The use of body worn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward CPO's and providing evidence to support Police and council investigations. It also anticipated to reduce complaints against officer and act as a deterrent measure. It will also provide greater transparency and encourage professionalism from CPO's at all times.
- 1.3 Body worn CCTV forms part of a CPO's Personal Protective Equipment. It will be used in an overt manner and emphasised by CPO's wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, CPO's will give a clear verbal instruction that recording is taking place.

### **2. Legislation**

- 2.1 The integrity of any video data recorded will be considered in accordance with the following legislation:

- **Data Protection Act 1998**
- **Freedom of Information Act 2000**
- **Human Rights Act 1998**
- **CCTV Code of practice 2014**

#### **2.2 Data Protection Act 1998**

The Information Commissioner's Office is the regulator for the Act and has given guidance with regard to CPO's use of body worn CCTV equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, still camera or any other media.

Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this Act and will include images and audio captured using body worn equipment. The use of body worn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner.

Where an individual asks to view footage this is called a 'Subject Access Request'. The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them. More information is available at <https://www.ashfield.gov.uk/your-council/legal-stuff/>

### **2.3 Freedom of Information Act 2000**

This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

### **2.4 Human Rights Act 1998**

Article 6 provides for the right to a fair trial. All images captured through the use of a body worn device have the potential to be used in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence.

Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of body worn equipment should not record beyond what is necessary when recording a confrontational situation.

## **3.0 Public Awareness**

### **3.1 Widely advertised that body worn CCTV equipment is used by its CPO's**

ADC's website and Facebook page will promote that BWV is in operation with an opportunity for members of the public to get in touch with the council and share their views.

ADC will ensure that the use of BWV equipment by its CPO's is widely advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on the web site. <https://www.ashfield.gov.uk/>

The Council will further ensure that the use of BWV is emphasised by CPO's wearing it in a prominent position (normally on their chest) and that it is forward facing display is visible to anyone being recorded. Additionally, CPO's will wear identification that it is a BWV device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the CCTV code of practice 2014 in all aspects referring to Body Worn Cameras.

The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behavior.

A specific form of words to be used in any warning to a member of the public has not been prescribed, but CPO's should use straightforward speech that can be easily understood by those present such as:

‘I am wearing a body worn CCTV camera and I am now recording’

#### **4.0 Storage of Data - Audit Trail and Retention**

All retained data will be kept until all investigations have been completed or a prosecution has taken place.

Any other data not required for evidential purposes will be deleted within 28 days.

The use of ADC Community Safety team systems must meet public expectations with regard to confidentiality and comply with the General Data Protection Regulation.

Information should, therefore, be handled so as to preserve the integrity of core CPO business whilst maintaining availability for operational purposes and in line with the full requirements of the Data Protection Act; and this must happen throughout the delivery chain.

BWV recordings should be retained in accordance with the General Data Protection Regulation 1998. Please see following link for a general guide to ADC’s data retention policy: <http://adci/media/3665/adc-retention-schedule-030418.pdf>

However, with regard to the retention of footage that will not be used as evidence, it is the data controller’s responsibility to devise a flexible policy that takes into account the ongoing relevance of different types of footage. It will be a matter of judgement in each case.

Recorded footage that is initially considered to be ‘non-evidential’ should not be retained beyond the time where it is reasonably expected that it may be identified as being part of any investigation. The [Home Office/ACPO CCTV guidance](#) indicates that systems should retain footage for a period of 31 days for any investigation to become apparent, after which it should be deleted.

An audit trail is covered by use of the DEMS.

#### **5.0 Limitations on Use**

BWV is an overt recording medium and can be used across a wide range of operations. There are a few examples of situations where the use of BWV is not appropriate. In all cases users and supervisors must use their professional judgement with regard to recording.

The following examples of where the use of BWV is not appropriate are for guidance only and this list is not exhaustive:

Legal privilege – users must be careful to respect legal privilege and must not record material that is or is likely to be subject of such protections.

Private dwellings – whilst use of video at the scene of domestic violence incidents is covered in other sections, users must consider the right to private and family life, in

accordance with Article 8 of the Human Rights Act, and must not record beyond what is necessary for the evidential requirements of the case.

Explosive devices - like many electrical items, BWV cameras could cause electrostatic interference which may trigger explosive devices. Therefore, BWV equipment **MUST NOT** be used in an area where it is believed that explosive devices may be present.

## **6.0 Requests for Footage**

All details on requesting personal data can be found by using the following link.

<https://www.ashfield.gov.uk/your-council/legal-stuff/privacy-statement/#L5>